

IN THE COURT OF COMMON PLEAS, PROBATE DIVISION, GEauga COUNTY, OHIO
Judge Timothy J. Grendell

Information Sheet

Name Change, Conform Legal Name, and Correction of Birth Record

WARNING

This Information Sheet is intended to provide you with a brief overview of the subject matter, effective as of the date noted in the upper left-hand corner. This Information Sheet is not intended as a substitute for legal advice from a competent licensed attorney, who is familiar with all of the relevant facts of your case. Moreover, this Information Sheet may not accurately describe the cited sections of the Ohio Revised Code or cited case law. The Court (i) does not warrant or represent that the information provided is error-free, up-to-date, complete, or accurate, and (ii) disclaims any liability to any person for any damages or loss caused by reliance upon this Information Sheet. The Court recommends that you seek legal advice from a competent licensed attorney of your choosing before taking any action. While the Help Center can provide you with a limited amount of general legal information, neither the Help Center staff nor any other Court employee can provide you with legal advice, and this Information Sheet is not intended to provide you with all legal information or legal advice that is applicable to you.

Suggested Reading

- R.C. Chapter 2717
- Geauga Probate Local Rule 78.15
- The Website Checklist titled “Name Change and Legal Name Conformity – Adult,” as appropriate
- The Website Checklist titled “Name Change and Legal Name Conformity – Minor,” as appropriate
- The Website Checklist titled “Correction of Birth Record

Background

Effective August 17, 2021, R.C. Chapter 2717 provides two probate court processes for a person regarding that person’s name, including a minor’s name. Those two legal processes are (1) the “Name Change” process and (2) the “Conformity of Legal Name” process. It is important to understand the difference between those two processes. One reason is that R.C. 2717.18 prohibits a person from “conforming a legal name” when a “name change” is more appropriate.

To understand the difference between a “Name Change” and a “Conformity of Legal Name,” you must consider the definition of “Official identity document” – which means a birth record, marriage record, divorce decree, driver's license, state issued identification card, social security card, passport, or any other official government-issued document required or commonly used to verify

a person's identity.¹ A person's legal name is associated with an Official identity document. Of course, the first Official identity document of a person is the birth certificate. Over time, a person will obtain other Official identity documents, typically a social security card, driver's license, marriage certificate, divorce decree, passport, etc.

The "Conformity of Legal Name" process is appropriate when a person's legal name is not identical in all of that person's Official identity documents. The word "conform"² means to make a person's legal name consistent in all Official identity documents by correcting a misspelling, inconsistency, or other error in an official identity document. In other words, the "Conformity of Legal Name" is appropriate when that person's legal name is reflected in one or more Official identity documents, and that person desires to have all of his or her Official identity documents set forth that person's legal name. For example, a person's legal name is accurately reflected on a social security card and a driver's license as William David Smith, but on his passport as Wilhelm David Smith. By filing an application for "Conformity of Legal Name," he can obtain a court order stating that his legal name is "William David Smith," and then he can submit that court order to the government agency that issues passports to have his name changed on the passport to the court ordered legal name.

The "Name Change" process is appropriate when a person desires to change his legal name to a new name that is not set forth on any of that person's Official identity documents. So long as the stated purpose for the name change is not with criminal or fraudulent intent, the Court is likely to approve the application for a name change.³ Using the same example, that person would file an application for a "Name Change," to change his name from William David Smith to Robert Charles Jones. After obtaining a court order, he can then use that court order to change his name on each of his Official identity documents.

Finally, it must be noted that R.C. 3705.15 provides another legal process in probate court that may result in the correction of a legal name on a person's birth record, which is an Official identity document. This is important to consider because R.C. 2717.18 provides that "an action to conform the legal name of a person under section 2717.04 of the Revised Code shall not be permitted in lieu of correction of a birth record under section 3705.15 of the Revised Code."

General Requirements

Regardless of whether an application for change of name or an application for conformity of legal name concerning both an adult and a minor is filed, the following provisions are applicable:

- Applicant Qualification. The person filing an application to change a name or to conform a legal name must be a resident of Geauga County for at least 60 days before filing the application.⁴ Moreover, if the application is to change a name or to conform the legal name of a minor, then the applicant must be that minor's parent(s), legal guardian, legal custodian, or guardian ad litem.⁵

¹ R.C. 2717.01(D)

² R.C. 2717.01(C)

³ See In re Bicknell, 96 Ohio St.3d 76, 2002-Ohio-3615; and In re Rohlik, 2023-Ohio-4875 (11th App. Dist.).

⁴ R.C. 2717.03 for change of name and R.C. 2717.05 for conformity of legal name. Moreover note that "applicant" means, as context requires, a person who makes the filing under section 2717.02 or 2717.04 of the Revised Code, or the minor on whose behalf a filing is made under section 2717.13 of the Revised Code.

⁵ R.C. 2717.13

- Venue Requirement. An application to change a name or to conform a legal name of an adult or minor must be filed in the county where that person resides.⁶
- Avoidance of Creditors.⁷ A probate court will not issue an order for change of name or to conform the legal name of an adult or minor, as the case may be, if (1) the application is made for the purpose of evading any creditors or other obligations or (2) the adult or minor is a debtor in a pending bankruptcy proceeding.
- Personal Identifiers.⁸ Do not insert protected personal identifiers (e.g., social security number, driver's license number) into a court document. If ordered by the Court, prepare and file SC Form 45(D) - Confidential Disclosure of Personal Identifiers. Moreover, redact all personal identifiers from submitted "Official identity documents" (e.g., driver's license number, state issued identification number, social security number, etc.).⁹
- Indigent. If the applicant is indigent and prepares and files the Financial Disclosure form (ODP-206R) together with the application, then the Clerk will permit the filing without payment of the court cost security deposit; provided however that if the Court disapproves that form, then the applicant must pay that security deposit no later than 30 calendar days after the court order of disapproval.¹⁰

If the applicant files an application to change the legal name of an adult, then the following requirement applies.

- Criminal Background Requirement.¹¹ A probate court will not order a change of legal name of an adult if that person:
 - has a duty to comply with the reporting requirements of R.C. 2950.04 or 2950.041 regarding a sexually-oriented offense or a child-victim offense; or
 - has been convicted of or pleaded guilty to, or the minor was adjudicated a delinquent child, in each case for having committed a crime regarding identity fraud as set forth in R.C. 2913.49.

Finally, if the applicant files an application to conform the legal name of an adult or minor, then the following requirement applies.

- Prohibition of Action to Conform Legal Name¹² The Court shall not conform a legal name in lieu of:
 - correction of a birth record under R.C. 3705.15; or
 - changing a legal name to a name that is not used in any existing Official identity document.

⁶ R.C. 2717.02 for change of name and R.C. 2717.04 for conformity of legal name

⁷ R.C. 2717.06(A)(2) and (3)

⁸ See Geauga Probate Local Rule 57.2(C)

⁹ See Geauga Probate Local Rule 78.15(D)

¹⁰ See Geauga Probate Local Rule 58.2(A)

¹¹ R.C. 2717.16

¹² See R.C. 2717.18

NAME CHANGE

Name Change - Adult¹³ An adult should consider the following initial steps before preparing and filing the application of name change.

1. Initial Steps.
 - a. verify that the General Requirements noted above are satisfied;
 - b. obtain a certified copy of the (Long Form) birth certificate, (which includes the city, county, and state of birth);
 - c. obtain a photocopy of social security card (redact the social security number);
 - d. obtain a photocopy of the driver's license or state-issued identification number (redact the identification number);
 - e. if not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address;¹⁴
 - f. decide whether you have a concern for your personal safety if another person is made aware of the name change by reason of a notice of hearing or examination of court records. This could result from another person's actions or threats. In that case, gather supporting documents such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages);
 - g. arrange for payment of the court costs – see the Court's website; and
 - h. determine whether the applicant is indigent.
2. Document Preparation and Filing. Please review the "Checklist – Name Change and Legal Name Conformity (Adult), located on the Court's website, when you are ready to prepare and file the required documents.
3. Hearing.¹⁵ Generally, the Court will not set the matter for hearing. However, subject to a filing of Form 21.6A (see the next paragraph), the Court may order a hearing if the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding. If the Court sets the matter for hearing, then (except as provided in the next paragraph) the Clerk will notify all interested persons of the date and time of the hearing. If ordered by the Court, the Clerk will publish that notice on the Court's website or by publication in the News-Herald newspaper at least 30 days before the hearing,¹⁶ and the costs will be charged to the applicant.

¹³ R.C. 2717.01(A)

¹⁴ See Geauga Probate Local Rule 78.10

¹⁵ See Geauga Probate Local Rule 78.15(B)(1)

¹⁶ R.C. 2717.14(C)

4. Confidentiality, Sealing Court Records. If a name change proceeding could adversely affect the applicant's personal safety, and the applicant desires a court order (i) to seal the court records¹⁷ and (ii) to waive any notice of hearing (including by publication in a newspaper), then the applicant shall prepare and file Form 21.6A Application to Waive Publication and Seal File and Judgment Entry. The applicant must file with that application all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).
 - Automatic Birth Record Name Change. When the Court orders a Name Change, then the Court must deliver a certified copy of the judgment entry to the vital statistics office in the state that issued the Applicant's birth record. In Ohio, the office of vital statistics shall issue a certification of birth containing the name change ordered by the Court.¹⁸

Name Change - Minor¹⁹ Either or both parents of a minor, a legal custodian, a legal guardian, or a guardian ad litem may file an application on behalf of a minor for a change of name. The applicant should consider the following initial steps before preparing and filing the application of name change:

1. Initial Steps.
 - a. verify that the General Requirements noted above are satisfied;
 - b. If you are a legal guardian, legal custodian, or guardian ad litem, then gather evidence of that relationship – typically a court order;
 - c. obtain a certified copy of the (Long Form) birth certificate, (which includes the city, county, and state of birth);
 - d. obtain a photocopy of the minor's social security card (redact the social security number), if any;
 - e. obtain a photocopy of the minor's driver's license or state issued identification number (redact the identification number), if any;
 - f. if not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address;²⁰
 - g. determine whether both living legal parents and a legal guardian (if any) will sign a written consent to the name change of the minor;
 - h. determine the current or last known address for the minor's parents;
 - i. obtain death certificate of a deceased parent, if any;

¹⁷ R.C. 2717.11

¹⁸ R.C. 2705.13

¹⁹ R.C. 2717.01(B)

²⁰ See Geauga Probate Local Rule 78.10

- j. decide whether you have a concern for your personal safety or that of the minor if another person is made aware of the name change by reason of a notice of hearing or examination of the court records. This could result from another person's actions or threats toward you or the minor. In that case, gather supporting documents such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages);
 - k. arrange for payment of the court costs – see the Court's website; and
 - l. determine whether the applicant is indigent.
2. Document Preparation and Filing. Please review the "Checklist – Name Change and Legal Name Conformity (Minor), located on the Court's website, when you are ready to prepare and file the required documents.
 5. Hearing.²¹ Subject to a filing of Form 21.6A, the Court will order a hearing if the living, legal parents and legal guardian of the minor (if any) do not sign and file Form 21.4 – Consent to Change Name of Minor, or the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding. If the Court sets the matter for hearing, then (except as provided in the next paragraph) (i) the Clerk will provide the applicant with the date and time of the hearing, (ii) the applicant will complete and serve the applicable notice of hearing (i.e., Form 21.5 - Notice of Hearing on Change of Name) upon all interested persons with a known address by certified mail, return receipt requested, and (iii) provide the Court with proof of service in accordance with Geauga Probate Local Rule 78.13 at least seven Calendar Days before the hearing date. If ordered by the Court, the Clerk will publish that notice in the News-Herald newspaper at least 30 days before the hearing,²² and the costs will be charged to the applicant.
 3. Confidentiality, Sealing Court Records. If a name change proceeding could adversely affect the personal safety of the applicant (including the minor), and the applicant desires a court order (i) to seal the court records²³ and (ii) to waive any notice of hearing (including by publication in a newspaper), then the applicant shall prepare and file form GC PF 21.6A – Application to Waive Publication and Seal File and Judgment Entry – only if the applicant has a concern for personal safety and desires to have the court records sealed and waiver of hearing notice. The applicant must file with that application all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).
 4. Automatic Birth Record Name Change. When the Court orders a Name Change, then the Court must deliver a certified copy of the judgment entry to the vital statistics office in the state that issued the Applicant's birth record. In Ohio, the office of vital statistics shall issue a certification of birth containing the name change ordered by the Court.²⁴

²¹ See R.C. 2717.14

²² R.C. 2717.14(C)

²³ R.C. 2717.11

²⁴ R.C. 2705.13

Conformity of Legal Name

Conformity of Legal Name – Adult. An adult should consider the following initial steps before preparing and filing the application of conformity of legal name:

1. Initial Steps.
 - a. verify that the General Requirements noted above are satisfied;
 - b. obtain a certified copy of the (Long Form) birth certificate, (which includes the city, county, and state of birth);
 - c. obtain a photocopy of social security card (redact the social security number);
 - d. obtain a photocopy of driver’s license or state issued identification number (redact the identification number);
 - e. obtain a photocopy of marriage license(s) (if any);
 - f. obtain a photocopy of divorce decree(s) (if any);
 - g. obtain a photocopy of the passport (if any);
 - h. obtain a photocopy of all other documents for which legal name conformity is sought;
 - i. arrange for payment of the court costs – see the Court’s website;
 - j. if not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address; and
 - k. decide whether you have a concern for your personal safety if another person is made aware of the legal proceeding by reason of a notice of hearing or examination of court records. This could result from another person’s actions or threats. In that case, gather supporting documents such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).
2. Document Preparation and Filing. Please review the “Checklist – Name Change and Legal Name Conformity (Adult), located on the Court’s website, when you are ready to prepare and file the required documents.
3. Hearing.²⁵ Generally, the Court will not set the matter for hearing. However, subject to a filing of form GC PF 21.6B - Application to Waive Publication and Seal File and Judgment Entry, the Court may order a hearing if the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding. If the Court sets the matter for hearing, then (except as provided in the next paragraph) (i) the Clerk will provide the applicant with the date and time of the hearing, (ii) the applicant will complete and serve the applicable

²⁵ See Geauga Probate Local Rule 78.15(B)(1).

notice of hearing (i.e., Form 21.12 - Notice of Hearing on Conforming Legal Name) upon all interested persons with a known address by certified mail, return receipt requested, and (iii) provide the Court with proof of service in accordance with Geauga Probate Local Rule 78.13 at least seven Calendar Days before the hearing date. If ordered by the Court, the Clerk will publish that notice in the News-Herald newspaper at least 30 days before the hearing,²⁶ and the costs will be charged to the applicant.

4. Confidentiality, Sealing Court Records. If a conformity of legal name proceeding could adversely affect the personal safety of the applicant, and the applicant desires a court order (i) to seal the court records²⁷ and (ii) to waive any notice of hearing (including by publication in a newspaper), then the applicant shall prepare and file Form GC PF 21.6B – Application to Waive Publication and Seal File and Judgment Entry – only if the applicant has a concern for personal safety and desires to have the court records sealed and waiver of hearing notice. The applicant must file with that application all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).

Conformity of Legal Name – Minor. Assuming the preceding requirements are satisfied, the applicant should consider the following initial steps before preparing and filing the application for conformity of a legal name of a minor.

1. Initial Steps.
 - a. verify that the General Requirements noted above are satisfied;
 - b. If you are a legal guardian, legal custodian, or guardian ad litem, then gather evidence of that relationship – typically a court order;
 - c. obtain a certified copy of the (Long Form) birth certificate, (which includes the city, county, and state of birth);
 - d. obtain a photocopy of Driver’s License or state-issued identification number, if any (redact identification numbers);
 - e. obtain a photocopy of Social Security Card (redact social security number);
 - f. obtain a photocopy of marriage license(s) (if any);
 - g. obtain a photocopy of divorce decree(s) (if any);
 - h. obtain a photocopy of the passport (if any);
 - i. obtain a photocopy of all other documents for which conformity of a legal name is sought;
 - j. if not represented by an Ohio attorney, then gather a government-issued photo identification and evidence of current address;²⁸

²⁶ R.C. 2717.14(C)

²⁷ R.C. 2717.11

²⁸ See Geauga Probate Local Rule 78.10

- k. determine whether both parents will sign a written consent to conform the legal name of the minor;
 - l. determine the current or last known address for the minor's parents;
 - m. obtain a death certificate of a deceased parent, if any;
 - n. decide whether you have a concern for your personal safety or that of the minor if another person is made aware of the name conformity by reason of a notice of hearing or examination of the court records. This could result from another person's actions or threats toward you or the minor. In that case, gather supporting documents such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages);
 - o. arrange for payment of the court costs – see the Court's website; and
 - p. determine whether the applicant is indigent.
2. Document Preparation and Filing. Please review the "Checklist – Name Change and Legal Name Conformity (Minor), located on the Court's website, when you are ready to prepare and file the required documents.
3. Hearing.²⁹ Subject to a filing of Form 21.6B – Application to Waive Publication and Seal File and Judgment Entry (see the next paragraph), the Court will order a hearing if the living, legal parents and legal guardian of the minor (if any) do not sign and file Form 21.13 - Consent to Conforming Legal Name, or the Court determines that the application presents any irregularities or issues, or if the Court determines that the legal interests of another party may be adversely affected by the proceeding. If the Court sets the matter for hearing, then (except as provided in the next paragraph) the applicant will complete form "GC PF 21.12 - Notice of Hearing on Conforming Legal Name," and deliver it to the Clerk who will (i) serve that notice of hearing upon all interested persons, and (ii) will publish that notice in accordance with a court order, by publication on the Court's website or with the News-Herald newspaper at least 30 days before the hearing,³⁰ and the costs will be charged to the applicant.
4. Confidentiality, Sealing Court Records. If a name change proceeding could adversely affect the personal safety of the applicant (including the minor), and the applicant desires a court order (i) to seal the court records³¹ and (ii) to waive any notice of hearing (including by publication in a newspaper), then the applicant shall prepare and file form GC PF 21.6B – Application to Waive Publication and Seal File and Judgment Entry – only if the applicant has a concern for personal safety and desires to have the court records sealed and waiver of hearing notice. The applicant must file with that application all supporting documents proving the need for confidentiality and safety such as a police report, a court order, including a civil protection order, or other similar documents (e.g., letters, emails, text messages).

²⁹ See R.C. 2717.14

³⁰ R.C. 2717.14(C)

³¹ R.C. 2717.11

Correction of Birth Record.

The governing statute in Ohio is R.C. 3705.15 – “Registration of Unrecorded birth – correction of birth record.” The sole purpose of this statute, regarding the correction of a birth record, is to provide a probate process for correction of the birth record. In other words, if a mistake was made when the birth record was initially prepared, then this statute provides a probate process to correct the initial mistake. The mistake could be any number of entries on the original birth record, including the child’s name, the parents’ names, the birth date, the city or county of the birth, the sex marker, etc. If the initial mistake is the child’s name, then as noted above an action to conform a person’s legal name is not appropriate if the sole purpose is to correct a mistake regarding the person’s name of the original birth record.³² Rather, the appropriate process is filing the documents required under R.C. 3705.15 – see the website checklist titled “Correction of Birth Record.”

Another issue arises when a person decides to change that person’s sexual identification. Suppose, for example, that a child is born with a biological male anatomy and his parents name him Sam Jones. Later in life, Sam declares that his sexual identification will be female and that his name will be Sally Jones. Sally cannot file an application to correct her birth record from Sam to Sally. There is no correction to be made. At her birth, the first name was correct. However, Sally can file an application to change her name from Sam Jones to Sally Jones as permitted in R.C. Chap 2717 and her birth record will be changed as required by R.C. 3705.13. However, if Sally wants to change the sex marker in the birth record from male to female, then there are some legal issues. While Ohio law permits Sally’s name on her birth record to be changed (i.e., R.C. 3705.13), there is no similar statute that permits Sally’s sex marker to be changed. The case of *In re Application for Correction of Birth Record of Adelaide*, 2022-Ohio-2053 (2nd App. Dist – Clark Cty.) reviews this issue and the appellate court determined that R.C. 3705.15 does not permit a probate judge to change or correct the sex marker of a person if it was accurate at the time of birth. Others have argued that Ohio law may violate the 14th Amendment of the U.S. Constitution. You should review *Ray v. McCloud*, 507 F. Supp.3d 925 (2020). Perhaps there will be additional litigation on this issue. If you intend to file an application to correct the sex marker on your birth record, then you should hire an attorney to advise and assist you.

LEGAL PRACTICE IN THE PROBATE COURT IS RESTRICTED BY LAW TO ATTORNEYS WHO ARE LICENSED BY THE SUPREME COURT OF OHIO AND INDIVIDUALS WHO ARE HANDLING THEIR OWN LEGAL MATTERS. IF AN INDIVIDUAL WISHES TO HANDLE HIS OR HER OWN CASE, THAT PERSON MAY ATTEMPT TO DO SO, HOWEVER DUE TO THE COMPLEXITY OF THE LAW AND THE DESIRE TO AVOID COSTLY ERRORS, MANY PERSONS WHO HAVE MATTERS BEFORE THE COURT ARE REPRESENTED BY AN ATTORNEY.

IF YOU CHOOSE TO REPRESENT YOURSELF AND USE THE COURT’S FORMS, BE AWARE THAT STATE LAW PROHIBITS THE JUDGE, MAGISTRATE, AND EMPLOYEES OF THE GEAUGA COUNTY PROBATE COURT, INCLUDING THE HELP CENTER STAFF, FROM PROVIDING YOU WITH LEGAL ADVICE. IF YOU NEED LEGAL ADVICE, THEN YOU SHOULD CONTACT AN ATTORNEY OF YOUR CHOOSING.

³² R.C. 2717.18.